

**REMARKS**

Claims 1-2, 4-29, 31-41, 43-76, 78-80, and 82-99 are currently pending in this application. Claims 3, 30, and 42 were canceled in a Response filed July 28, 2005. A non-final Office Action was mailed on April 7, 2006 rejected the pending claims.

Claims 1-2, 4-6, 12-15, 17, 21, 22, 24, 25, 29, 31, 32, 34, 36-38, 43, 44, 46, 48-51, 53-56, 59, 61, 62, 65, 67, 68, 70, 71, 73-76, 78, 83, 84, 86, 87, 89, 94, 95, and 97 are amended in the present response. No new matter has been added by any of these amendments. Also, for at least the reasons discussed below, the pending claims are now in condition for allowance.

**Rejection of Claims Under 35 U.S.C. § 103**

The Office Action rejected claims 1-14, 16-21, 23-25, 29-30, 36, 39-40, 42, 48-50, 53-57, 61-63, 65-70, 73-76, 78-80, 84-89, and 94-97 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,420,866 to Wasilewski ("Wasilewski") in view of U.S. Patent No. 6,931,532 to Davis et al. ("Davis"). Also, Claims 15, 26-38, 31035, 37-38, 43-47, 52, 64, 71-72, 82, 83, 90-93, and 99, were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wasilewski in view of Davis, and in further view of U.S. Patent No. 5,991,399 to Graunke et al ("Graunke"). Additionally, Claims 22, 41, 51, 58, and 59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wasilewski in view of Davis, in further view of Graunke, and in still further view of U.S. Patent No. 6,449,651 to Dorfman et al ("Dorfman"). Furthermore, Claim 98 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Wasilewski in view of Davis, and in further view of U.S. Patent No. 5,678,002 to Fawcett et al ("Fawcett").

As amended, Claim 1 now teaches an apparatus for selectively encrypting data for transmission over a network in packets between a server and a client. The apparatus further includes: (1) a parser configured to parse a payload portion of the data in a packet from a non-payload portion of the packet data; (2) an encrypter configured to determine if the payload portion of the packet data is to be encrypted by examining the payload portion of the packet data to

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recognize a predefined data type, and if it is to be encrypted, to encrypt the payload portion of the packet data; and (3) a data combiner configured to combine the encrypted payload portion of the packet data with the non-payload portion of the packet data, wherein the non-payload portion of the packet data includes more than routing information. Based on these amendments (underlined above) to Claim 1, which are supported by the specification, the claimed invention's parsing, encryption and combining operations clearly occur at the packet level of data communication, not at an application level such as an XML document.

Although the Office Action combined the teachings of Wasilewski and Davis to find the claimed invention obvious, it also admitted that Wasilewski fails to teach the determination as to if the payload portion of the data is to be encrypted by examining the payload portion of the data to recognize a predefined data type. Instead, the Office Action relied upon Davis to disclose an encrypter to determine if the payload portion of the data is to be encrypted by examining the payload portion of the data to recognize a predefined data type. However, Davis clearly does not teach or suggest examining the payload portion of packet data. Rather, Davis provides for processing elements and/or schema for a markup language document, such as an XML document. See Davis, Col. 12, lines 28-33, and FIGs. 3 and 4A. Thus, Davis in combination with Wasilewski does not render at least several elements of amended Claim 1 obvious.

Moreover, there is no suggestion or motivation to combine Wasilewski with Davis as suggested by the Office Action. Wasilewski is directed towards a transport layer (layer 4) method for transmitting conditional access information to decoders that will receive encrypted streamed data. See Wasilewski, Col 1, lines 25-38. Davis, however, is directed towards selectively encrypting one or more elements of an XML document using style sheet processing at the application level. See Davis' Abstract. Thus, Wasilewski is directed towards solving problems at completely different layers of the Open Systems Interconnection (OSI) reference model. Thus, Wasilewski fails to teach or suggest a problem supporting a motivation or suggestion to combine it with Davis. Therefore, for at least the reasons discussed above, the Office Action has not established a *prima facie* case of obviousness as required, and amended Claim 1 is now in condition for allowance.

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Also, independent Claims 17, 36, 53, 61, 67, 73, 78, 86, and 97 have been amended in similar, albeit different ways than amended Claim 1. Thus, for at least substantially the same reasons discussed above, amended independent Claims 1, 17, 36, 53, 61, 67, 73, 78, 86, and 97 are non-obvious and allowable over Wasilewski in view of Davis.

Additionally, all of the dependent claims have been amended where applicable to conform with amendments to their respective independent claims. Consequently, all of the pending dependent claims are now patentable for at least the same reasons as the respective amended independent claims from which they depend. Accordingly, dependent Claims 2, 4-14, 15, 16, 18-29, 31-35, 37 41, 43-52, 54-60, 62-66, 68-72, 74-77, 79-85, 87-96, 98, and 99 are now in condition for allowance.

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**CONCLUSION**

By the foregoing explanations, Applicants believe that this response has responded fully to all of the concerns expressed in the Office Action, and believes that it has placed each of the pending claims in condition for immediate allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. Should any further aspects of the application remain unresolved, the Examiner is invited to telephone applicant's attorney at the number listed below.

Dated: May 23, 2006

Respectfully submitted,

By \_\_\_\_\_

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